

COMMONWEALTH OF VIRGINIA



VIRGINIA BEACH CIRCUIT COURT
Civil Division
JUDICIAL CENTER
VIRGINIA BEACH VA
(757) 385-4186

Summons

Received by
Margaret A. (Peggy) Echols

FEB 27 2015

per Section 13.1-928
and Section 13.1-766

RECEIVED

MAR 02 2015

Charlottesville P&A

To: STATE FARM FIRE AND CASUALTY
COMPANY
REGISTERED AGENT PEGGY ECHOLS
1500 STATE FARM BLVD
CHARLOTTESVILLE VA 22909

Case No. 810CL15000478-00

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment, or decree against such party either by default or after hearing evidence.

Appearance in person is not required by this summons.

Done in the name of the Commonwealth of Virginia on, Thursday, February 19, 2015

Clerk of Court: TINA ESGUERRA SINNEN

by


(CLERK/DEPUTY CLERK)

Instructions:

Hearing Official:

Attorney's name:



IN THE VIRGINIA DISTRICT COURT
CITY OF VIRGINIA BEACH

Mrs. Amelia L. DaCruz

Plaintiff

v.

Civil Action No.: 0115-478

STATE FARM FIRE AND CASUALTY COMPANY

Registered Agent / Peggy Echols

Defendant(s)

COMPLAINT

1. Grounds for Jurisdiction

FIRE OCCURRED IN THE CITY OF VIRGINIA BEACH AT PLAINTIFF'S RESIDENCE; PAYMENTS WERE
MADE FROM THE FIELD AGENT ADDRESS IN VIRGINIA BEACH.

2. Plaintiff Name & Address

Mrs. Amelia L. DaCruz

1157 Paramore Drive

Virginia Beach, Virginia 23454

3. Defendant(s) name and address

STATE FARM FIRE AND CASUALTY COMPANY

SERVICE AGENT/ REGISTERED AGENT: Peggy Echols

1500 State Farm Boulevard

Charlottesville, VA 22909-001

4. Reasoning for filing suit / Statute for filing suit / FP-7155.55

Coverage B- Personal Property 7. Smoke Damage

Settlement required to complete monetary compensation for damages due to smoke fire on

February 13, 2013.

5. FACTS

Stove Fire occurred on 13 February 2013. Family of 6- We (5 of us- my husband was working out of state) spent Feb 14-April 24 in 1 bedroom hotels or with family. We have a 3000 square foot house with coverage as follows, when loss occurred:

A Dwelling	\$337,900
Extension	33,790
B Personal Property	\$253,425
C Loss of Use	actual loss of use
Section II	
M Medical Payments to Others (each person)	\$1,000

Moved back in April 24 with house and furniture still smelling. Isolated and removed ourselves from sources (furniture, appliances, electronics) stayed for two more weeks in one bedroom (5 of us on mattresses only- clothes on floor. Stress due to the fact that the Insurance would not immediately remove furniture until we put it outside. We replaced based on continued irritants after cleaning or restoration ineffective. Medical problems arose due to lymphatic and thyroid irritation; including kidney stones, misdiagnosis of lupus, etc. due to smoke or other chemical irritants. State Farm did hire two investigators, one stated there was a problem, the second said there was not- but his method of detection was not germane to the evidentiary problems.

6. How would you want your complaint resolved?

Appliance replacement, furniture contamination and computer failure- damages not covered:

based on values submitted to State Farm- \$38,753.68

Clothing- Based on values submitted to State Farm: \$43,714.00 paid approx. \$7,664.85-

differential- \$36,049.15.

Medical- Reimburse \$5,000.00 for acute problems (high deductible of \$6000/ family)

These entries were initially transcribed in August 2013. I was told by our adjuster that we would have to file suit in order to obtain full satisfaction and that the time period to complete was 2 years. The information has been updated as of February 10, 2015 to ensure that no further issues arose prior to issuing the suit.



Amelia L. DaCruz

February 11, 2015

(757) 376-8606